

**REMARKS**

Pursuant to the above-noted Office Action, claims 1-9 have been allowed. Claim 10 has been rejected under 35 U.S.C. 103 given Tsui (U.S. Patent No. 5,680,134) ("Tsui") in view of Kobayashi (U.S. Patent No. 5,550,520) ("Kobayashi"). Claims 11-13 are rejected under 35 U.S.C. 103(a) given Duhamel (U.S. Patent No. 5,252,960) ("Duhamel") in view of Tsui. (In the Office Action, the Examiner states that these claims are obvious given Duhamel in view of Kobayashi, but then applies the Tsui reference instead of the Kobayashi reference when presenting supporting comments; the applicant therefore presumes that the reference to Kobayashi was in error and has framed this response with respect to the Tsui reference. If this presumption is wrong, the applicant respectfully requests clarification in a non-final notification.) These rejections are respectfully traversed.

The Examiner has indicated the allowability of claims 1-9. The applicant thanks the Examiner for this notification.

Claim 10 has been rejected as being obvious given Tsui in view of Kobayashi. The Examiner acknowledges that Tsui does not disclose a bandpass filter but otherwise states that Tsui discloses:

A method of digitally controlling the frequency of a receiver (abstract) comprising the steps of:

providing a controlling for controlling the operation of said signal diode to alter the discrete component make-up of the bandpass filter to adjust frequency; (col. 6; 49-67) and

outputting signals to said diode to alter the bandpass filter frequency. (col. 6; 49-67) [Page 2 of the Office Action.]

With all due respect, the applicant vigorously disputes this characterization of the Tsui reference. In particular, Tsui makes no disclosure or suggestion with respect to usage of a diode, yet alone a signal diode, that serves to alter the discrete component make-up of a bandpass filter. Instead, Tsui discloses use of a mechanical switch ("FSF" in FIG. 7A of Tsui) that switches a variable capacitor in and out of a circuit that serves to provide a control mechanism for a selected frequency. Tsui therefore does not provide the elements suggested by the Examiner.

Kobayashi is then relied upon for provision of a bandpass filter. Regardless of Kobayashi's teachings with respect to bandpass filters, the applicant respectfully notes that, again, the prior art reference fails to disclose use of a signal diode, let alone use of a signal diode to alter the discrete component make-up of a bandpass filter. The applicant therefore respectfully submits that any combination of Tsui and Kobayashi, whether obvious or unobvious, would fail to include a signal diode and particularly a signal diode that can alter the discrete component make-up of a bandpass filter to adjust the frequency thereof. Since claim 10 includes a limitation directed to such content, the applicant respectfully submits that claim 10 is not rendered obvious by Tsui in view of Kobayashi.


Independent claim 11 has been rejected under 35 U.S.C. 103(a) given Duhamel in view of Tsui. The Examiner notes that Duhamel provides an input device (i.e., a dip switch 21) that couples to a demodulator decoder 22 and that serves to set a specific code. Duhamel also discloses a receiver 24 that couples to the demodulator decoder 22. Duhamel only discloses, however, a single frequency receiver 24. Neither the dip switch 21 nor the demodulator decoder 22 serves to specify or permit adjustment of any receiver frequency. The applicant has amended claim 11 to specify that the output of the microprocessor serves to facilitate adjustment of receiver circuitry as corresponds to a particular frequency. Duhamel makes no such teaching or suggestion. The secondary reference, Tsui, also fails to make provision for such an embodiment. Instead, in Tsui, a mechanical user manipulated switch serves to adjust the receiver circuit frequency. The applicant therefore respectfully submits that any combination of Duhamel and Tsui, regardless of whether obvious or unobvious, would fail to meet the recitation of amended claim 11.

Claims 12 and 13 are ultimately dependent upon claim 11, which claim has been shown allowable above. In addition, these claims introduce additional subject matter that, particularly when considered in context with the claims from which they depend, constitutes additional incremental patentable subject matter. For all these reasons, the applicant respectfully submits that claims 12 and 13 may be passed to allowance.

Application No. 09/557,690  
Amendment dated February 5, 2004  
Reply to Office Action of November 26, 2003

There being no other objections to or rejections of the claims, the applicant respectfully submits that claims 1-13 may be passed to allowance.

Respectfully submitted,

By:   
Steven G. Parmelee  
Registration No. 28,790

Date: February 5, 2004

FITCH, EVEN, TABIN & FLANNERY  
Suite 1600  
120 South LaSalle  
Chicago, Illinois 60603-3406  
Telephone: (312) 577-7000  
Facsimile: (312) 577-7007